

Commissioner for Patents
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REMARKS

I. Status of Application.

Claims 1-6 are pending in the above-referenced Application. In the Office Action, the Examiner noted that the Application is in condition for allowance but for two objections. Specifically, the Examiner (1) objected to the specification due to (a) reference to "tests 9-13" "exhibiting conversion of ca. 50%," and (b) "selectivity of the reaction to 3-cyanopyridine is high in each case, at $\geq 85\%$ ", (2) objected to claim 4 due to a claim informality, and (3) noted that claims 1-3, 5, and 6 are in allowable form.

II. Amendment to the Specification.

In this response, Applicants herewith attach a marked-up copy and a clean copy of the Substitute Specification to address the informalities noted in the Office Action. The specification has been amended to change "tests 9-13" on page 7, line 29 to be "tests 9-12" to reflect the tests disclosed in Table 1 which have a conversion rate of ca. 50%. Additionally, the level of selectivity as shown on page 8, line 2 to be "85%" has been amended herein to be "84%" to reflect the level of selectivity disclosed in Table 1. Accordingly, with the present amendments, Applicants have resolved the pending objection to the specification. Therefore, Applicants respectfully request that the objection to the specification be withdrawn.

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III. Amendment to Claim 4.

In response to the objection to claim 4 in the Office Action, Applicants herewith amend the limitation "selected from the group pyridine, quinoline, pyridazine, pyrimidine, and pyrazine" of claim 4 to be "selected from the group consisting of pyridine, quinoline, pyridazine, pyrimidine, and pyrazine." Accordingly, Applicants have resolved the objection to claim 4, and respectfully request that the objection to claim 4 be withdrawn.

IV. New Matter.

Applicants respectfully note that the amendments to the specification and to claim 4 presented herein do not add new matter to the Application, as the text simply reflects information originally presented in Table 1 as filed. Further, Claim 4 has had no substantive change, but has merely been amended to include the language traditionally used to reflect a Markush group.

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CONCLUSION

This response to the *Ex Parte Quayle* Action addresses each of the objections presented by the Examine. Since all claims have been found to be allowable pending the resolution of the noted objections, and Applicants have addressed each objection, it is respectfully submitted that the Application is presently in condition for allowance. Accordingly, allowance of this Application is therefore respectfully requested. In the event that Applicants have inadvertently overlooked the need for any petition or payment of fees, Applicants hereby conditionally petition therefore and authorize any fee deficiency be charged to Deposit Account No. 09-0007. When doing so, please refer to docket number P01130-US-00 (07538.0510). If there are any further objections or rejections, the Examiner is invited to contact the undersigned to discuss the Application.

Respectfully submitted,

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Enclosures: Substitute Specification – Marked-up Copy
Substitute Specification – Clean Copy